

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VICTOR TAGLE,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

2:15-cv-00216-JCM-PAL

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted two applications to proceed *in forma pauperis*. (ECF No. 1, 28). The Court denies the first application to proceed *in forma pauperis* (ECF No. 1) as moot and treats the second application to proceed *in forma pauperis* (ECF No. 28) as the operative application. Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on July 8, 2015. (ECF No. 3). The Court entered subsequent orders which imposed a 90-day stay and assigned the parties to mediation by a court-appointed mediator. (ECF No. 6, 46). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 55).

For the foregoing reasons, IT IS ORDERED that:

1. Plaintiff's first application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

2. Plaintiff's second application to proceed *in forma pauperis* (ECF No. 28) is GRANTED. Plaintiff shall not be required to pay an initial installment of the filing fee. In the

1 event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. §
2 1915(b)(2).

3 3. The movant herein is permitted to maintain this action to conclusion without the
4 necessity of prepayment of any additional fees or costs or the giving of security therefor. This
5 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or
6 service of subpoenas at government expense.

7 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
8 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
9 month's deposits to Plaintiff's account (**Victor Tagle, #1080239**), in the months that the
10 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The
11 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.
12 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of
13 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV
14 89702.

15 5. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
16 of Plaintiff's complaint (ECF No. 4) on the Office of the Attorney General of the State of
17 Nevada, attention Kat Howe.

18 6. Subject to the findings of the screening order (ECF No. 3, 6), within **twenty-one**
19 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice
20 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
21 service; (b) the names of the defendants for whom it does not accept service, and (c) the
22 names of the defendants for whom it is filing last-known-address information under seal. As
23 to any of the named defendants for which the Attorney General's Office cannot accept service,
24 the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
25 address(es) of those defendant(s) for whom it has such information. If the last known address
26 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain
27 and provide the last known physical address(es).

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9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the address stated therein. The Court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

11. The motions for service of summonses (ECF No. 45, 47, 50) are denied.

Tyza A. Zeen
United States Magistrate Judge